

ADOPTED 2007 BUDGET**DEPT:** DISTRICT ATTORNEY**UNIT NO.** 4500**FUND:** General - 0001**OPERATING AUTHORITY & PURPOSE**

Pursuant to Wisconsin Statutes Section 978.05, the District Attorney of Milwaukee County has the following duties:

A. In the Circuit Courts of Milwaukee County having jurisdiction for ADULT MATTERS – Prosecutes all criminal actions; prosecutes all State forfeiture actions, County traffic actions and actions concerning violations of County ordinances which are in conformity with State criminal laws; participates in John Doe or other investigative proceedings; issues subpoenas and other processes to compel the attendance of witnesses; upon the request and under the supervision and direction of the Attorney General, briefs and argues all criminal cases brought by appeal or writ of error to the Court of Appeals or Supreme Court; handles all appeals

or proceedings if the case is decided by a single Court of Appeals judge; institutes, commences, or appears in certain civil actions or special proceedings as set forth in Wisconsin Statutes Section 978.05(6).

B. In the Circuit Courts of Milwaukee County having jurisdiction for JUVENILE MATTERS – Represents the public's interest at the Children's Court Center for matters including children alleged to be delinquent, to have violated civil laws or ordinances, to be in need of protection or services or who are developmentally disabled, mentally ill, alcoholic or drug dependent; and initiates and defends appeals and prosecutes termination of parental rights actions.

BUDGET SUMMARY				
Account Summary	2005 Actual	2006 Budget	2007 Budget	2006/2007 Change
Personal Services (w/o EFB)	\$ 7,576,921	\$ 8,151,131	\$ 8,017,321	\$ (133,810)
Employee Fringe Benefits (EFB)	4,879,323	4,819,368	6,085,420	1,266,052
Services	2,668,037	2,930,447	3,192,788	262,341
Commodities	91,764	108,897	143,023	34,126
Other Charges	0	0	0	0
Debt & Depreciation	0	0	0	0
Capital Outlay	4,058	29,700	30,685	985
Capital Contra	0	0	0	0
County Service Charges	2,687,911	2,867,085	2,417,826	(449,259)
Abatements	(2,197,579)	(2,388,939)	(2,091,350)	297,589
Total Expenditures	\$ 15,710,435	\$ 16,517,689	\$ 17,795,713	\$ 1,278,024
Direct Revenue	83,609	82,822	108,060	25,238
State & Federal Revenue	8,354,655	8,472,331	8,000,117	(472,214)
Indirect Revenue	0	0	0	0
Total Revenue	\$ 8,438,264	\$ 8,555,153	\$ 8,108,177	\$ (446,976)
Direct Total Tax Levy	7,272,171	7,962,536	9,687,536	1,725,000

ADOPTED 2007 BUDGET**DEPT:** DISTRICT ATTORNEY**UNIT NO.** 4500**FUND:** General - 0001

ADDITIONAL COSTS NOT INCLUDED IN TAX LEVY*				
Account Summary	2005 Actual	2006 Budget	2007 Budget	2006/2007Change
Central Service Allocation	\$ 175,924	\$ 190,288	\$ 184,560	\$ (5,728)
Courthouse Space Rental	970,152	1,011,000	1,006,041	(4,959)
Tech Support & Infrastructure	548,614	649,468	256,228	(393,240)
Distribution Services	8,605	10,335	12,726	2,391
Telecommunications	53,147	60,898	49,690	(11,208)
Record Center	86,888	65,809	30,065	(35,744)
Radio	8,904	18,593	10,780	(7,813)
Computer Charges	104,178	0	0	0
Applications Charges	9,387	146,513	254,045	107,532
Total Charges	\$ 1,965,799	\$ 2,152,904	\$ 1,804,135	\$ (348,769)
Direct Property Tax Levy	\$ 7,272,171	\$ 7,962,536	\$ 9,687,536	\$ 1,725,000
Total Property Tax Levy	\$ 9,237,970	\$ 10,115,440	\$ 11,491,671	\$ 1,376,231

* These costs are included in other departmental and non-departmental budgets. They are reflected here to show the "total" amount of tax levy support for this Department.

PERSONNEL SUMMARY				
	2005 Actual	2006 Budget	2007 Budget	2006/2007Change
Personal Services (w/o EFB)	\$ 7,576,921	\$ 8,151,131	\$ 8,017,321	\$ (133,810)
Employee Fringe Benefits (EFB)	\$ 4,879,323	\$ 4,819,368	\$ 6,085,420	\$ 1,266,052
Position Equivalent (Funded)*	161.6	159.1	161.5	2.4
% of Gross Wages Funded	95.0	96.9	96.1	(0.8)
Overtime (Dollars)**	\$ 143,329	\$ 170,208	\$ 150,192	\$ (20,016)
Overtime (Equivalent to Position)	3.9	3.9	3.9	0.0

* For 2005 Actuals, the Position Equivalent is the budgeted amount.

** Delineated for information. (Also included in personal services.)

PERSONNEL CHANGES				
Job Title/Classification	Action	Number of Positions/ Total FTE	Division	Cost of Positions (Excluding Fringe Benefits)
Clerical Assistant 2	Abolish	1/1.0	Dist Attorney- General	\$ (35,953)
Transcriptionist (Hourly)	Abolish	1/0.47	Dist Attorney- General	(13,749)
Fiscal Assistant 2	Abolish	1/1.0	Dist Attorney- General	(35,814)
Victim/Witness Advocate	Abolish	1/1.0	Dist Attorney- General	(45,384)
Senior Intelligence Analyst	Abolish	1/1.0	Dist Attorney- General	(51,256)
Comm. Support Program Coord.	Abolish	1/1.0	Dist Attorney- General	(53,999)
Administrative Intern	Abolish	1/0.12	Dist Attorney- General	(2,419)
			TOTAL	\$ (238,574)

MISSION

The mission of the Milwaukee County District Attorney's Office is to promote public peace and safety by just and vigorous prosecution; to seek and do impartial justice by ensuring that the guilty are punished and the innocent go free; to protect the health and welfare of children who are victims of

child abuse and neglect; and to safeguard the rule of law and promote citizens' participation in law enforcement by treating all persons who come in contact with the criminal justice system with fairness, dignity and respect.

ADOPTED 2007 BUDGET

DEPT: DISTRICT ATTORNEY

UNIT NO. 4500
FUND: General - 0001

DEPARTMENT DESCRIPTION

District Attorney Functions: The District Attorney is responsible for the following duties: plans and organizes for the prosecution of all criminal, juvenile and applicable ordinance violations in Milwaukee County; recruitment and staffing of all professional positions and making major assignments of personnel and cases; coordination and supervision of all department activities and approval and control over all departmental policies, procedures and activities; direction of the Organized Crime and White Collar Crime Unit; and supervision of the Firearms Unit and Community Prosecution program.

Chief Deputy District Attorney Functions: The Chief Deputy District Attorney is responsible for the following duties: supervision of all division functions and oversight of the implementation of all departmental policies and procedures; supervision of liaisons with other County officials and departments, City, State, Federal officials, law enforcement agencies and community groups; oversight of the office legal intern program and coordination of legal training and education for office prosecutors; serving as office liaison to the legislature and initiation and review of proposals for criminal and juvenile law legislation.

Chief Deputy DA Program Statistics	
District Attorney	1
Chief Deputy District Attorney	1
County Staff	9
Assistant District Attorneys	14

Misdemeanor Division: The Misdemeanor Division staffs all misdemeanor courts, presents evidence, argues motions, plans and conducts jury as well as court trials for all misdemeanor and applicable ordinance violations in Milwaukee County. The Division is responsible for the following duties: conducting pretrial hearings and ensuring application of uniform negotiation policies in misdemeanor cases; direction and supervision of the misdemeanor team and the Domestic Violence Unit; development and maintenance of systems to ensure the highest quality of prosecution and speedy disposition of misdemeanor cases; initiation and defense of appeals before one judge in the Court of Appeals. The Division also acts as liaison with the Attorney General on appeals before three judge panels in the Court of Appeals and the Supreme

Court and supervises the extradition of defendants from other states on Milwaukee County felony charges and handles all proceedings in Milwaukee County Circuit Court relating to the extradition of defendants or witnesses.

Misdemeanor Program Statistics	
Cases in 2005	22,173
Deputy District Attorneys	1
County Staff	36.5
Assistant District Attorneys	27

Administrative Division: The Administration Division administers the Department's State and County budgets and fiscal systems, develops and coordinates grants and revenues, and controls the expenditure of funds. The Division also supervises internal management, including facilities, inventory, purchasing systems and procedures, record management and statistics as well as organizing, staffing, directing and coordinating all clerical functions. The Division is also responsible for long-range planning, and maintaining liaison with the administrative and fiscal personnel of the State, Milwaukee County, law enforcement agencies and other governmental organizations. The Administrative Division also supervises the Affirmative Action program, and directs the Family and Public Welfare Unit and the Victim/Witness Services Unit.

Administrative Program Statistics	
Deputy District Attorneys	1
County Staff	52
Assistant District Attorneys	2

Felony Division: The Felony Division performs the following functions: staffs all criminal courts; presents evidence, argues motions, plans and conducts jury and court trials for all felony violations in Milwaukee County; conducts pretrial hearings and ensures the application of uniform negotiation policies on felony cases; directs and supervises the Homicide, Drug, Sensitive Crimes, Sensitive Crimes Victim Witness Services and Felony Team units; works to ensure the highest quality of prosecution and speedy disposition of felony cases; approves consolidation of cases with other counties and disposes of cases where persons wanted in Milwaukee County are detained in penal institutions outside of Milwaukee County; and ensures that the requirements of the discovery laws are met on felony cases.

ADOPTED 2007 BUDGET**DEPT:** DISTRICT ATTORNEY**UNIT NO.** 4500**FUND:** General - 0001

Felony Program Statistics	
Cases in 2005	6,980
Deputy District Attorneys	1
County Staff	35.5
Assistant District Attorneys	44

Juvenile Division: The Juvenile Division performs the following functions: reviews all referrals for possible delinquency prosecution and orders additional investigation as required; provides legal advice to Children's Court staff; drafts and files petitions to declare juveniles delinquent or in need of protection and services (CHIPS) under Chapters 48 and 938 of Wisconsin Statutes; prepares and argues waivers of jurisdiction from Children's Court to Adult Court; prosecutes all delinquency and CHIPS actions in the Children's Court of Milwaukee County; reviews and prosecutes all matters involving termination of parental rights in the Children's Court of Milwaukee County; conducts a continuing education and informational program for law enforcement personnel, social services agencies, child protection social workers and citizens on latest developments and practices in juvenile law; and directs the Victim/Witness Services Unit of the Children's Court Center, including the witness notification and subpoena functions.

Juvenile Program Statistics	
Cases in 2005	4,367

Deputy District Attorneys	1
County Staff	34
Assistant District Attorneys	30.5

State Prosecutors and the County Payroll and Benefit System: The District Attorney's budget reflects the 16 Prosecutors who elected to remain in the Milwaukee County Employee Retirement System and retained County fringe benefits when District Attorneys became State employees on January 1, 1990. In addition, there are 13 Prosecutors on the State payroll who retained County fringe benefits. The budget reflects County payments to Prosecutors on the County payroll and State reimbursement for these payments as well as the actual County cost of fringe benefits provided to the 29 Prosecutors with County fringe benefits.

CHARGES FROM THE STATE

Charges from the State for prosecutors increase \$131,332, from \$2,312,953 to \$2,444,285, for the salaries and fringe benefits of 32.5 full-time equivalent Assistant District Attorneys whose positions are offset with Federal and State grant revenue. The District Attorney receives the revenue for these positions and passes the revenue to the State. Of the \$3,031,685 received by the District Attorney for State grants, \$2,444,285 is passed to the State for prosecutor costs.

CHARGES FROM THE STATE				
Charges from the State	Number of ADAs	2006 Budget	2007 Budget	2006/2007 Change
MMDEG Grant	8.0	\$ 565,000	\$ 618,200	\$ 53,200
Prosecution of Drug Crimes Grant	2.0	154,000	142,000	(12,000)
Child Support Prosecutor	1.0	70,672	66,100	(4,572)
State CHIPS TPR Grant	8.5	583,100	653,500	70,400
Federal Block Grant	0.0	23,050	0	(23,050)
State Violence Against Women Act Grant	1.0	62,863	66,700	3,837
High Intensity Drug Trafficking Area Grant	5.0	359,975	414,750	54,775
Juvenile Accountability Incentive Block Grant	1.0	55,293	59,835	4,542
Office of Juvenile Justice & Delinquency Prevention	1.0	88,500	71,800	(16,700)
Domestic Violence Congressional Earmark	5.0	350,500	351,400	900
TOTAL	32.5	\$ 2,312,953	\$ 2,444,285	\$ 131,332

ADOPTED 2007 BUDGET

DEPT: DISTRICT ATTORNEY

UNIT NO. 4500
FUND: General - 0001

Revenue from State grants for 2007 is comprised of five programs that are detailed in the following table:

STATE GRANTS			
State Revenue Programs	2006 Budget	2007 Budget	2006/2007 Variance
Victim/Witness Program	\$ 1,186,000	\$ 1,198,300	\$ 12,300
Victim of Crimes Act (VOCA)	373,050	317,660	(55,390)
Special Prosecution Courts' Clerks	249,000	288,950	39,950
CHIPS-Termination of Parental Rights State Contract	1,035,200	1,028,050	(7,150)
State Violence Against Women Act	235,400	198,725	(36,675)
TOTAL	\$ 3,078,650	\$ 3,031,685	\$ (46,965)

The Victim/Witness Program, which provides services to victims and witnesses of crimes pursuant to Chapter 950 of the Wisconsin Statutes, will consist of 33.5 full-time equivalent positions in 2007: 3.5 Victim/Witness Coordinators, 25 Victim/Witness Advocates, one Sensitive Crimes Victim Advocate and four clerical personnel. Wisconsin Statutes, Section 950.06 provides that the State can reimburse counties for up to 90 percent of costs of their victim/witness programs. For several years, the reimbursement rate averaged 80 to 85 percent of costs, but the reimbursement rate has been declining in recent years. For 2007, based upon an analysis of the 2005-2007 State Budget by the Office of Crime Victim Services and recent experience, the District Attorney is estimating a reimbursement rate of 52%, a decrease of 2 percent from 2006.

Victim Of Crimes Act (VOCA) will provide funding for six positions in 2007: three Victim/Witness Advocates assigned to the Crisis Response Unit and three Assistant Sensitive Crimes Victim Advocates in the Sensitive Crimes Victim Services Unit. The Wisconsin Department of Justice, Office of Crimes Victims Services (OCVS), provides 80 percent reimbursement for these positions and operating expenses through VOCA. In 2007, one vacant Victim/Witness Advocate position in the Crisis Response Unit is abolished due to loss of VOCA funding.

The Special Prosecution Courts' Clerks statutory grant provides funding for the salaries and fringe benefits of 6.5 Secretaries- 1.5 Clerical employees, three Clerical Assistant 1's who work on homicide,

sexual assault and felony drug cases, and two Secretarial Assistants in the Firearms Unit that were formerly part of the Operation Ceasefire state grant. Grant revenue is collected by the Clerk of Circuit Court from a \$3.50 fee levied on civil case filings pursuant to Wisconsin Statutes Section 814.635(1m).

The CHIPS-Termination of Parental Rights grant will provide continued funding for 8.5 Assistant District Attorneys, four Paralegals and two Secretarial Assistants under a State contract with the Department of Health and Family Services - Division of Children and Family Services. In 2007, one vacant position of Clerical Assistant 2 dedicated to CHIPS and TPR cases is abolished due to the loss of grant funding under the State contract effective July 1, 2006.

The State Violence Against Women Act (VAWA) Formula Grant for Domestic Violence and Sexual Assault Prosecutions will provide funding for one Assistant District Attorney, one Victim/Witness Advocate, and one Assistant Sensitive Crimes Victim Advocate. The grant for State fiscal year 2007, from July 1, 2006 to June 30, 2007, will be \$198,725. As anticipated, this amount is a decrease from 2006. With this revenue loss, two hourly Process Server positions are no longer supported through this grant. In order to keep these two critical positions, one vacant position of Fiscal Assistant 2 and one vacant hourly position of Transcriptionist have been abolished.

ADOPTED 2007 BUDGET**DEPT:** DISTRICT ATTORNEY**UNIT NO.** 4500**FUND:** General - 0001

Revenue from Federal grants for 2007 is comprised of seven programs that are detailed in the following table.

FEDERAL GRANTS			
Federal Revenue Programs	2006 Budget	2007 Budget	2006/2007 Variance
JAG Prosecution of Drug Crimes Grants	\$ 154,000	\$ 142,000	\$ (12,000)
Local Law Enforcement Block Grant	20,745	0	(20,745)
HIDTA	790,750	782,000	(8,750)
JAG County MMDEG	520,000	600,000	80,000
JAG OJA MMDEG	719,000	533,950	(185,050)
OJJDP Community Prosecution	88,500	71,800	(16,700)
Domestic Violence Earmark	379,750	370,650	(9,100)
TOTAL	\$ 2,672,745	\$ 2,500,400	\$ (172,345)

The Justice Assistance Grant (JAG) Prosecution of Drug Crimes grant provides \$142,000 from the Wisconsin Office of Justice Assistance (OJA) for two Assistant District Attorneys assigned to the Milwaukee Metropolitan Drug Enforcement Group (MMDEG).

Funding under the 2004 Local Law Enforcement Block Grant for an Assistant District Attorney to expedite the processing of felony cases in the District Attorney's Complaint Review Unit ends on September 30, 2006.

The Milwaukee High Intensity Drug Trafficking Area (HIDTA) grant provides 100 percent funding from the Office of National Drug Control Policy (ONDCP) for five Assistant District Attorneys, one Clerical Assistant 1, one Clerical Specialist, one HIDTA Director, one Coordinator that serves as the HIDTA Deputy Director, and one Administrative Assistant 2. One vacant position of Senior Intelligence Analyst will be abolished in the 2007 budget, because the duties of the position have been assumed by a federal agency.

The Domestic Violence Earmark provides salaries and fringe benefits for five Assistant District

Attorneys; reinstates a contract with Sojourner Truth House to provide services to victims of domestic violence on weekends; and allows for a contract with Legal Action of Wisconsin to provide free legal services to low-income victims of domestic violence.

The 2005 JAG County MMDEG and JAG OJA MMDEG grant includes funding of \$600,000 for MMDEG to supplement anticipated 2006-07 reductions in state JAG funding from OJA for the JAG Prosecution of Drug Crimes program and the JAG MMDEG project. In 2007, one vacant Community Relations Coordinator position is abolished. The District Attorney's office does not plan to spend any of the 2005 JAG grant money until 2007 because of reductions made in the 2006 MMDEG budget.

The OJJDP Community Prosecution grant provides the salary and fringe benefits of one Assistant District Attorney that serves as a community prosecutor in the Milwaukee Police Department, third district, and as the director of the Community Prosecution Unit.

CHARGES TO OTHER COUNTY AGENCIES				
Department	Program	2006 Budget	2007 Budget	2006/2007 Change
Child Support	Prosecution for Failure to Provide Support to a Child	\$ 151,122	\$ 148,937	\$ (2,185)
Health & Human Serv	First Offenders Program	29,620	28,606	(1,014)
Health & Human Serv	Juvenile Accountability and Incentive Grant (JAIBG)	55,293	59,835	4,542
TOTAL		\$ 236,035	\$ 237,378	\$ 1,343

ADOPTED 2007 BUDGET

DEPT: DISTRICT ATTORNEY

UNIT NO. 4500
FUND: General - 0001

Child Support Enforcement

Pursuant to Section 948.22 of the Wisconsin State Statutes, individuals may be prosecuted for failure to provide support to a child. The Department of Child Support Enforcement refers the most egregious cases to the District Attorney for criminal prosecution. The District Attorney crosscharges the Department of Child Support Enforcement for the services of an Assistant District Attorney on the state payroll that prosecutes criminal child support cases and for the costs of a full-time Paralegal. The Department of Child Support Enforcement receives Federal reimbursement of 66% for the cost of these positions. The State charges the District Attorney for the costs of the Assistant District Attorney dedicated to child support cases.

Department of Health and Human Services

The costs for one half-time Paralegal assigned to the Children's Court Center First Time Offenders Program are crosscharged to the Department of Health and Human Services to recover grant funding. In addition, the costs for one Assistant District Attorney is charged to the Department of Health and Human Services to recoup grant funding from the Juvenile Accountability and Incentive Grant. DHHS receives this grant funding in its budget.

BUDGET HIGHLIGHTS

- Personal Services expenditures increase \$1,132,242 from \$12,970,499 to \$14,102,741 primarily due to a fringe benefit increase of \$1,266,052.
- Funded positions increase 2.4 from 159.1 to 161.5. In prior years, State Attorneys in the District Attorney's office were budgeted as an aggregate lump sum. In 2007, State Attorneys are segregated out causing an increase in FTEs. However, this increase in FTEs is due to a change in budgeting methodology and does not reflect an actual increase in personnel. This is off-set by the abolishment of 5.59 FTEs.
- In 2007, due to the discontinuation of grant funding, one Victim/Witness Advocate, one Senior Intelligence Analyst, one Community Support Program Coordinator, one Clerical Assistant 2, one Fiscal Assistant 2, one (.47 FTE) Transcriptionist (hourly) and one (.12 FTE) Administrative Intern (hourly) are abolished.
- Services expenditures increase by \$262,341 from \$2,930,447 to \$3,192,788 primarily due to a \$131,332 increase in charges from the State and a \$126,709 increase in costs in General Administration Contracting Agencies, which includes the reinstatement of a contract with Sojourner Truth House and a new contract with Legal Action of Wisconsin. The charges from the State and the cost of these contracts are offset by State and Federal revenue.
- State and Federal revenue received by the District Attorney decreases by \$472,214 from \$8,472,331 to \$8,000,117 primarily due to the discontinuation of various grand funding.
- The 2005 Wisconsin Act 60 imposed new requirements for the admissibility in evidence of statements of juveniles, effective December 31, 2005. Act 60 also mandates electronic recording of statements of adults in custodial interrogation and imposes new requirements for the admissibility in evidence of statements by adults, effective January 1, 2007. This state mandate will require the District Attorney to copy, index, provide discovery, and play in court the electronically recorded statements. This will increase personnel and equipment costs.
- The District Attorney's office assumed fiscal and administrative responsibility for the Milwaukee Metropolitan Drug Enforcement Group (MMDEG) grant from the Sheriff's Department on January 1, 2005. In 2007, there will be no Sheriff crosscharges for MMDEG personnel because the Sheriff's Office withdrew from MMDEG effective March 1, 2006. This results in a savings of \$197,245.
- Felony filings, the District Attorney's most significant workload indicator, increased 19.7 percent from 2000 through 2005.
- All departments are required to operate within their expenditure appropriations and their overall budgets. Pursuant to Section 59.60(12), Wisconsin Statutes, "No payment may be authorized or made and no obligation incurred against the county unless the county has sufficient appropriations for payment. No payment may be made or obligation incurred against an appropriation unless the director first certifies that a sufficient unencumbered balance

ADOPTED 2007 BUDGET**DEPT:** DISTRICT ATTORNEY**UNIT NO.** 4500**FUND:** General - 0001

is or will be available in the appropriation to make the payment or to meet the obligation when it becomes due and payable. An obligation incurred and an authorization of payment in violation of this subsection is void. A county officer who knowingly violates this subsection is

jointly and severely liable to the county for the full amount paid. A county employee who knowingly violates this subsection may be removed for cause."

ACTIVITY AND STATISTICAL SUMMARY				
<u>Description</u>	<u>2005 Budget</u>	<u>2005 Actual</u>	<u>2006 Budget</u>	<u>2007 Budget</u>
<u>Major Offenses Reported to Police</u>				
Violent Crimes	6,000	6,790	5,500	6,500
Property Crimes	<u>53,500</u>	<u>45,813</u>	<u>45,000</u>	<u>45,000</u>
Total Major Offenses	59,500	52,603	50,500	51,500
<u>Milwaukee County Arrests</u>				
Juvenile Arrests	30,000	21,530	27,000	22,500
Adult Arrests	<u>85,000</u>	<u>60,110</u>	<u>80,000</u>	<u>62,500</u>
Total Arrests	115,000	81,640	107,000	85,000

MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE CASELOAD STATISTICS			
	<u>2003</u>	<u>2004</u>	<u>2005</u>
Felony	7,272	6,930	6,980
Misdemeanor	10,257	10,050	10,156
Criminal Traffic	14,867	13,694	12,017
Children in Need of Protective Services (CHIPS)	1,179	1,376	1,304
Juvenile Delinquency	3,030	2,483	2,643
TPR (Termination of Parental Rights)	874	509	420